

16-9493 ROSALES-MIRELES V. UNITED STATES

DECISION BELOW: 850 F.3d 246

LOWER COURT CASE NUMBER: 16-50151

QUESTION PRESENTED:

In United· *States v. Olano*, this Court held that, under the fourth prong of plain error review, "[t]he Court of Appeals should correct a plain forfeited error affecting substantial rights if the error 'seriously affect[s] the fairness, integrity, or public reputation of judicial proceedings.'" 507 U.S. 725, 736 (1993). To meet that standard, is it necessary, as the Fifth Circuit Court of Appeals required, that the error be one that "would shock the conscience of the common man, serve as a powerful indictment against our system of Justice, or seriously call into question the competence or integrity of the district judge?"

CERT. GRANTED 9/28/2017